
Introduced Version

HOUSE RESOLUTION No. ____

Introduced by: Klinker

A RESOLUTION urging the legislative council to assign a committee to study the reform of Indiana's criminal justice system to address the needs of people with developmental disabilities and to study the establishment of law enforcement protocols for identifying, investigating, and prosecuting sexual assaults and other crimes committed on people with developmental disabilities.

Whereas, Indiana's criminal justice system addresses the needs of criminal defendants with mental illnesses by recognizing that people with mental illness may be unable to appreciate the implication of their actions and the criminal charges brought against them;

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Whereas, However, the system also assumes that people with developmental disabilities may eventually be "restored" to a condition where they can appreciate the nature of charges against them so that they may make reasoned decisions regarding their defense;

Whereas, People with developmental disabilities are either capable of understanding the nature of criminal charges brought against them or they are not, since a developmental disability is a relatively constant condition;

Whereas, People with developmental disabilities can be, and are, taught how to act in appropriate ways so they may avoid breaking the law in the future, reducing recidivism;

Whereas, However, people with developmental disabilities are also at a higher risk of victimization than others;

Whereas, The Arc of the United States reports in a document entitled "People with Intellectual Disabilities and Sexual Violence" that "Any type of disability appears to contribute to higher risk of victimization but intellectual disabilities, communication disorders, and behavioral disorders appear to contribute to very high levels of risk, and having multiple disabilities (e.g., intellectual disabilities and behavior disorders) results in even higher risk levels (Sullivan & Knutson, 2000)";

Whereas, Day One, a Rhode Island based organization dedicated to reducing sexual assaults, reports that "Among people with developmental disabilities, as many as 83% of the females and 32% of the males are victims of sexual assault" and that "Each year, 15,000 to 19,000 people with developmental disabilities are raped in the United States";

Whereas, People with developmental disabilities are frequently less capable of informing those who love and care for them that they have been victimized;

Whereas, Currently, there is no effective way of identifying and proving such victimization in criminal court; and



Whereas, The members of the Commission on Mental Retardation and Developmental Disabilities believe: (1) that Indiana's criminal justice system does not have a doctrine that addresses the needs of people with developmental disabilities facing criminal charges, resulting in the possibility that a person with a developmental disability may be held in custody or in an institutional setting without hope of restoration to a condition where the person can appreciate the nature of charges against the person; (2) that there is a need for the development of law enforcement protocols for identifying, investigating, and prosecuting sexual assaults committed against people with developmental disabilities; and (3) that the most effective way of achieving this goal is to create a statewide office responsible for building these protocols and working with prosecuting attorneys to bring criminal charges against those who commit sexual assaults against people with developmental disabilities: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

1 SECTION 1. That the Legislative Council is urged to assign a
2 committee to study the reform of Indiana's criminal justice system to
3 address the needs of people with developmental disabilities and to
4 study the establishment of law enforcement protocols for identifying,
5 investigating, and prosecuting sexual assaults and other crimes
6 committed on people with developmental disabilities.

